

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
WAGT Television, Inc.)	Facility ID No. 70699
Licensee of WAGT(TV), Augusta, GA)	NAL/Acct. No. 0641420010
)	FRN: 0003748241

**NOTICE OF APPARENT
LIABILITY FOR FORFEITURE**

Adopted: December 6, 2005**Released: December 9, 2005**

By the Chief, Media Bureau:

I. INTRODUCTION

1. The Commission, by the Chief, Media Bureau, pursuant to delegated authority, has before it for consideration a license renewal application for the captioned television station in Augusta, Georgia. We find that WAGT Television, Inc., licensee of station WAGT(TV), Augusta, Georgia, willfully and repeatedly violated Section 73.3526(e)(11)(iii) of the Commission's Rules (Rules), by failing to publicize the existence and location of its Children's Television Programming Reports.¹ For the reasons set forth below, we find WAGT Television, Inc. apparently liable in the amount of ten thousand dollars (\$10,000) for its violation of Section 73.3526(e)(11)(iii) of the Rules.

II. BACKGROUND

2. Under the Commission's rules implementing the Children's Television Act of 1990 (CTA),² each television broadcast station licensee has an obligation, during its license term, to air programming that serves the educational and informational needs of children through both the licensee's overall programming and programming "specifically designed" to educate and inform children (core programming).³ The Commission's rules require commercial licensees to provide information to the public about the shows they air to fulfill their obligation. Section 73.3526(e)(11)(iii) of the Rules requires each commercial television broadcast station to prepare and place in its public inspection file a Children's Television Programming Report for each calendar quarter reflecting, *inter alia*, the efforts it has made during the quarter to serve the educational needs of children. As set forth in Section 73.3526(e)(11)(iii), licensees are also required to file the reports with the Commission and to publicize for the public the existence and location of the reports.

¹ 47 C.F.R. § 73.3526(e)(11)(iii).

² Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394.

³ 47 C.F.R. § 73.671.

3. On December 1, 2004, the licensee filed a license renewal application (FCC Form 303-S) for station WAGT(TV), Augusta, Georgia (File No. BRCT-20041201AHB). In response to Section IV, Question 10 of the renewal application, the licensee certified that WAGT(TV) failed to publicize the existence and location of the station's Children's Television Programming Reports, as set forth in Section 73.3526(e)(11)(iii) of the Rules. In Exhibit 24 to the renewal application, the licensee indicates that it began publicizing the existence and location of the Children's Television Programming Reports during the fourth quarter of 2004. Finally, the licensee states that in the future, station WAGT(TV) will broadcast several announcements on a quarterly basis alerting viewers as to the station's Children's Television Programming Reports.

III. DISCUSSION

4. WAGT(TV)'s failure to publicize the existence and location of its Children's Television Programming Reports constitutes a willful and repeated violation of Section 73.3526(e)(11)(iii). While the licensee may have belatedly implemented policies and procedures to prevent subsequent violations, that does not relieve it of liability for the violations which have occurred. *International Broadcasting Corp.*, 19 FCC 2d 793 (1969).

5. Section 503(b) of the Communications Act of 1934, as amended, (Act) provides that any person who willfully or repeatedly fails to comply substantially with the terms and conditions of any license, or willfully fails to comply with any of the provisions of the Act or of any rule, regulation or order issued by the Commission thereunder, shall be liable for a forfeiture penalty.⁴ In determining the appropriate forfeiture amount, we must consider the factors enumerated in Section 503(b)(2)(D) of the Act, including "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."⁵

6. *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines (Forfeiture Policy Statement)* and Section 1.80 of the Rules set a base forfeiture amount of \$10,000 for public file violations. As explained above, the licensee has failed to comply with Section 73.3526(e)(11)(iii) of the Rules. We note also that this violation apparently continued throughout most of the license term. Specifically, it indicates that it only began publicizing the existence and location of the Children's Television Programming Reports during the fourth quarter of 2004.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED that, pursuant to Section 503(b) of the Act, and Sections 0.283 and 1.80 of the Rules,⁶ WAGT Television, Inc. is hereby NOTIFIED of its APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 73.3526(e)(11)(iii) of the Rules.

8. IT IS FURTHER ORDERED that, pursuant to Section 1.80 of the Commission's

⁴ 47 U.S.C. § 503(b).

⁵ 47 U.S.C. § 503(b)(2)(D); *see also Forfeiture Policy Statement*, 12 FCC Rcd 17087, 17100 (1997), *recon. denied*, 15 FCC Rcd 303 (1999); 47 C.F.R. § 1.80(b)(4).

⁶ 47 C.F.R. §§ 0.283 and 1.80.

Rules, within thirty days of the release date of this Notice, WAGT Television, Inc. SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, at P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under the installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁷

9. Finally, IT IS FURTHER ORDERED that, a copy of this Notice of Apparent Liability shall be sent by First Class and Certified Mail to the licensee at 905 Broad Street, Augusta, Georgia 30901 and to its attorney of record, Marissa G. Repp, Esquire, Hogan & Hartson L.L.P., 555 13th Street, N.W., Washington, D.C. 20004-1109.

FEDERAL COMMUNICATIONS COMMISSION

Donna C. Gregg
Chief, Media Bureau

⁷ See 47 C.F.R. § 1.1914.